

HOUSE BILL NO. 804

INTRODUCED BY M. MILBURN

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING ELIGIBLE MEMBERS OF THE MONTANA NATIONAL GUARD FROM VEHICLE REGISTRATION FEES FOR ONE VEHICLE; AMENDING SECTIONS 61-3-321, 61-3-458, 61-3-460, AND 61-3-562, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, reregistration of motor vehicles, trailers, and semitrailers, in accordance with this chapter, as follows:

(a) light vehicles under 2,850 pounds, ~~\$13.75 in calendar year 2004 and, in each subsequent year,~~ \$17;

(b) trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(c) motor vehicles registered pursuant to 61-3-411 that are:

(i) 2,850 pounds and over, \$10; and

(ii) under 2,850 pounds, \$5;

(d) off-highway vehicles registered pursuant to 23-2-817, ~~\$9 in calendar year 2004 and, in each subsequent year,~~ \$19.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle.

(e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton, ~~\$18.75 in calendar year 2004 and, in each subsequent year,~~ \$22;

(f) logging trucks less than 1 ton, \$23.75;

(g) motor homes, \$22.25;

(h) motorcycles and quadricycles, \$9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~\$9.75 in calendar year~~

1 ~~2004 and, in each subsequent year, \$11.25. This fee is a one-time fee, except upon transfer of ownership of a~~
2 ~~motorcycle or quadricycle.~~

3 (i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25. For a trailer or semitrailer
4 described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

5 (j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in
6 other jurisdictions and registered through a proportional registration agreement, \$16.25. For a trailer or
7 semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer
8 or semitrailer.

9 (k) travel trailers, \$11.75. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

10 (l) recreational vehicles, ~~\$3.50 in calendar year 2004 and, in each subsequent year, \$9.75. If the~~
11 ~~recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel~~
12 ~~trailer.~~

13 (2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally
14 registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year
15 is one-half of the regular fee.

16 (b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of
17 when the fees were last paid or if the fees were paid at all.

18 (3) An additional fee of \$5 for a motorcycle or quadricycle with special license plates issued under
19 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~\$5 in calendar year 2004 and, in each~~
20 ~~subsequent year, \$16~~ must be collected for the registration of each motorcycle as a safety fee and must be
21 deposited in the state motorcycle safety account provided for in 20-25-1002.

22 (4) A fee of \$5 for each set of new number plates must be collected when number plates provided for
23 under 61-3-332(2) are issued.

24 (5) The provisions of this part with respect to the payment of registration fees do not apply to and are
25 not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of
26 America or any state, county, city, or special district, as defined in 18-8-202.

27 (6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for
28 each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue
29 derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer
30 to the credit of the senior citizens and persons with disabilities transportation services account provided for in

1 7-14-112.

2 (b) The following vehicles are not subject to the fee imposed in subsection (6)(a):

3 (i) trailers and semitrailers registered in other jurisdictions and registered through a proportional
4 registration agreement; and

5 (ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.

6 (7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for
7 each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county
8 treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.

9 (b) The following vehicles are not subject to the fee:

10 (i) trailers and semitrailers registered in other jurisdictions and registered through a proportional
11 registration agreement; and

12 (ii) off-highway vehicles registered pursuant to 23-2-817; ~~and~~

13 ~~—— (iii) vehicles bearing license plates described in 61-3-458(3)(d).~~

14 (8) The provisions of this section relating to the payment of registration fees or new number plate fees
15 do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or
16 61-3-335.

17 (9) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

18 (10) Except as otherwise provided in this section, revenue collected under this section must be
19 deposited in the state general fund.

20 (11) (a) Unless a person exercises the option in subsection (11)(b), an additional fee of \$4 must be
21 collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part.
22 The fee must be deposited in the state general fund to be used for state parks, for fishing access sites, and for
23 the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii).

24 (b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual
25 registration, certify that the person does not intend to use state parks and fishing access sites and may make
26 a written election not to pay the additional \$4 fee provided for in subsection (11)(a). If a written election is made,
27 the fee may not be collected."

28
29 **Section 2.** Section 61-3-458, MCA, is amended to read:

30 **"61-3-458. Special plates for military personnel, veterans, and spouses.** (1) (a) Active military

1 personnel, veterans, or the surviving spouse of an eligible veteran, if the spouse has not remarried, may be
2 issued special military or veteran license plates as provided in this section.

3 (b) Subject to the provisions of 61-3-332 and except as otherwise provided in this chapter, special
4 license plates issued pursuant to this section must be numbered in sets of two with a different number on each
5 set and must be properly displayed as provided in 61-3-301.

6 (2) (a) Upon application, after paying all applicable vehicle registration fees and special license plate
7 fees and providing an official certificate from the applicant's unit commander verifying the individual's eligibility
8 and authorizing the department to issue the plates to the individual, eligible military personnel may be issued
9 one set of special military license plates as provided in this subsection (2).

10 ~~(b) A member of the Montana national guard who is a state resident may be issued special license~~
11 ~~plates with a design or decal displaying the letters "NG". However, the member shall surrender the plates to the~~
12 ~~department when the member becomes ineligible.~~

13 ~~(c)(b)~~ A member of the reserve armed forces of the United States who is a state resident may be issued
14 special license plates according to the member's branch of service verified in the application with a design or
15 decal displaying one of the following: United States army reserve, AR (symbol); United States naval reserve,
16 NR (anchor); United States air force reserve, AFR (symbol); or United States marine corps reserve, MCR (globe
17 and anchor). However, the member shall surrender the plates to the department when the member becomes
18 ineligible.

19 ~~(d)(c)~~ An active member of the regular armed forces of the United States who is a state resident may
20 be issued special license plates inscribed with a symbol signifying the United States army, United States navy,
21 United States air force, United States marine corps, or United States coast guard, according to the member's
22 branch of service verified in the application. However, the member shall surrender the plates to the department
23 upon becoming ineligible.

24 (3) (a) Upon application, after presenting proper identification and a department of defense form 214
25 (DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment
26 verifying the applicant's eligibility and paying the veterans' cemetery fee specified in 61-3-459 and all applicable
27 vehicle registration fees under this chapter, subject to the provisions of 61-3-460, an eligible veteran must be
28 issued any set and more than one set of the special license plates provided for in this subsection (3) that the
29 member requests and is eligible to receive.

30 (b) A veteran may be issued special license plates displaying the letters "DV", which entitles the veteran

1 to the parking privileges allowed to a person with a special parking permit issued under Title 49, chapter 4, part
2 3, if the veteran:

3 (i) has been awarded the purple heart and has been rated by the U.S. department of veterans affairs
4 as 50% or more disabled because of a service-connected injury; or

5 (ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of
6 veterans affairs for a service-connected disability.

7 (c) A veteran who has been awarded the purple heart may be issued special license plates with the
8 purple heart decal displaying the words "combat wounded".

9 (d) A veteran who was captured and held prisoner by the military force of a foreign nation may be issued
10 special license plates with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that
11 the department considers appropriate.

12 (e) If the veteran was a member of the United States armed forces on December 7, 1941, and during
13 the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) was on station at Pearl Harbor on the island of Oahu or was
14 offshore from Pearl Harbor at a distance of not more than 3 miles, the veteran may be issued special license
15 plates designed to show that the veteran is a survivor of the Pearl Harbor attack.

16 (f) A person who is a member of the legion of valor may be issued special plates displaying a design
17 or decal depicting the recognized legion of valor medallion.

18 (g) A veteran may be issued special license plates displaying the word "VETERAN" and a symbol
19 signifying the United States army, United States navy, United States air force, United States marine corps, or
20 United States coast guard, according to the veteran's service record verified in the application.

21 (h) A member or former members of the Montana national guard eligible to receive a military retirement
22 may be issued special license plates displaying the Montana national guard insignia and the words "National
23 Guard veteran".

24 (4) Upon request, after paying the veterans' cemetery fee provided in 61-3-459 and all applicable
25 vehicle registration fees under this chapter, subject to the provisions of 61-3-460, the surviving spouse of an
26 eligible veteran, if the spouse has not remarried, may retain the special license plates issued to the deceased
27 veteran, except the special "DV" plates provided for under subsection (3)(b).

28 (5) Upon application, and upon providing an official certificate from the applicant's unit commander
29 verifying the applicant's eligibility and authorizing the department to issue the plates to the applicant, a member
30 of the Montana national guard who is a state resident may be issued one set of special license plates with a

design or decal displaying the letters "NG". However, the member shall surrender the plates to the department when the member becomes ineligible.

~~(5)~~(6) For purposes of this section, "veteran" has the meaning provided in 10-2-101."

Section 3. Section 61-3-460, MCA, is amended to read:

"61-3-460. Vehicle registration fee and veterans' cemetery fee waivers. (1) Except as otherwise provided in this section, a person eligible under subsection (2) is exempt from the veterans' cemetery fee provided in 61-3-459 for one set of special veteran license plates and all vehicle registration fees imposed by this chapter for one vehicle that is not used for commercial purposes.

(2) The following persons are eligible for the waiver provided in subsection (1):

(a) a veteran who was a prisoner of war who presents official documentation from the U.S. department of defense verifying the veteran's status, or the veteran's surviving spouse, if the spouse has not remarried;

(b) a veteran who is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability, as verified by official documentation from the U.S. department of veterans affairs, or the veteran's surviving spouse, if the spouse has not remarried;

(c) a veteran determined by the U.S. department of veterans affairs to be 50% or more disabled because of a service-connected injury and who has been awarded the purple heart, as verified by official documentation from the U.S. department of veterans affairs and the veteran's military service record issued by the U.S. department of defense, or the veteran's surviving spouse, if the spouse has not remarried, except that the veteran or the surviving spouse shall pay the veterans' cemetery fee as provided for in 61-3-459;

(d) the surviving spouse, if the spouse has not remarried, of a military service member killed while on active duty as verified in official documentation issued by the U.S. department of defense; and

(e) the surviving spouse, if the spouse has not remarried, of a military service member or veteran who died of a service-connected injury or disability as determined by and verified in official documentation from the U.S. department of veterans affairs.

(3) A member of the Montana national guard who is a state resident and who provides an official certificate from the member's unit commander verifying the member's eligibility to receive special license plates as provided in 61-3-458(5) is exempt from all vehicle registration fees imposed by this chapter for one vehicle that is not used for commercial purposes.

1 **Section 4.** Section 61-3-562, MCA, is amended to read:

2 **"61-3-562. Permanent registration -- transfer of vehicle ownership -- rules.** (1) (a) Except as
3 provided in subsection (1)(c), the owner of a light vehicle 11 years old or older subject to the registration fee, as
4 provided in 61-3-561, may permanently register the vehicle upon payment of a \$50 registration fee, the
5 applicable registration and license fees under 61-3-321 and 61-3-412, and an amount equal to five times the
6 applicable fees imposed for each of the following:

7 (i) junk vehicle disposal fees under 15-1-122(3)(a);

8 (ii) weed control fees under 15-1-122(3)(b);

9 (iii) the former county motor vehicle computer fees under 61-3-511;

10 (iv) the local option vehicle tax or flat fee on vehicles under 61-3-537;

11 (v) if applicable, special license plate fees under 61-3-332 and renewal fees for personalized plates
12 under 61-3-406; and

13 (vi) senior citizens and persons with disabilities transportation services fees as provided in 61-3-321(6).

14 (b) A person who permanently registers a vehicle as provided in subsection (1)(a) shall pay an
15 additional \$2 fee at the time of registration for deposit in the state general fund. The department shall pay from
16 the general fund an amount equal to the \$2 fee collected under this subsection (1)(b) from each motor vehicle
17 registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

18 (c) The following series of license plates may not be used for purposes of permanent registration of a
19 vehicle:

20 (i) Montana national guard license plates issued under ~~61-3-458(2)(b)~~ 61-3-458(5);

21 (ii) reserve armed forces license plates issued under ~~61-3-458(2)(c)~~ 61-3-458(2)(b);

22 (iii) license plates bearing a wheelchair design as a symbol of a person with a disability issued under
23 61-3-332(11);

24 (iv) amateur radio operator license plates issued under 61-3-422;

25 (v) collegiate license plates issued under 61-3-465; and

26 (vi) generic specialty license plates issued under 61-3-479.

27 (2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated
28 capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under
29 61-10-201.

30 (3) The owner of a vehicle that is permanently registered under this section is not subject to additional

1 fees under 61-3-561 or to other motor vehicle registration fees described in this section for as long as the owner
2 owns the vehicle.

3 (4) The county treasurer shall:

4 (a) distribute the \$50 registration fee collected under this section as provided in 61-3-509;

5 (b) once each month, remit to the department of revenue the amounts collected under this section, other
6 than the local option vehicle tax or flat fee, for the purposes of 61-3-321(3) and 61-10-201. The county treasurer
7 shall retain the local option vehicle tax or flat fee.

8 (5) (a) The permanent registration of a vehicle allowed by this section may not be transferred to a new
9 owner. If the vehicle is transferred to a new owner, the department shall cancel the vehicle's permanent
10 registration.

11 (b) Upon transfer of a vehicle registered under this section to a new owner, the new owner shall apply
12 for a certificate of title under 61-3-201 and file an application for registration under 61-3-303. (Subsection (1)(b)
13 terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)"

14
15 **NEW SECTION. Section 5. Effective date.** [This act] is effective January 1, 2006.

16 - END -